



**Request for City Council Committee Action
From the City Attorney's Office**

Date: September 5, 2002
To: Intergovernmental Relations Committee
Referral to:

Subject: Amendment to the Minneapolis City Charter, Chapter 3, Section 2

Recommendation: That the proposed amendment to Chapter 3, Section 2 of the Minneapolis City Charter be referred to the Charter Commission for its review and comment

Previous Directives:

Prepared by: Jay M. Heffern Jay M. Heffern, City Attorney Phone: (612) 673-3272

Approved by: Jay M. Heffern
Jay M. Heffern
City Attorney

Presenter in Committee: Michael Norton

Financial Impact (Check those that apply)

☒ No financial impact - or - Action is within current department budget.

(If checked, go directly to Background/Supporting Information)

☐ Action requires an appropriation increase to the Capital Budget

☐ Action requires an appropriation increase to the Operating Budget

☐ Action provides increased revenue for appropriation increase

☐ Action requires use of contingency or reserves

☐ Other financial impact (Explain):

☐ Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact (use any categories that apply)

Neighborhood Notification

City Goals

Comprehensive Plan

Zoning Code

Other

Background/Supporting Information Attached

When the Mayor, Council President Ostrow, Council Vice-President Lilligren, and Council Member Johnson Lee attended the FEMA training in Mt. Weather, Virginia in

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March, a question arose as to who was in charge of the city. The relevant provisions in the City Charter and City Council's rules are:

CITY CHARTER

Charter Chapter 3, Section 2 provides in relevant part:

The President shall preside over the meetings of the City Council and while the Mayor is absent from the City or unable for any reason to discharge his or her required duties, the said President shall exercise all the power and discharge all the duties of the Mayor. In case the President shall be absent from any meeting of the City Council, the Vice-President shall discharge the duties of such President and act in the President's place.

The charter does not address the circumstance when the Mayor, the Council President, and the Council Vice-President are all absent from the city or unable, for any reason, to perform their duties.

CITY COUNCIL'S RULES

City Council Rule 1B provides that "the president (or in the president's absence, the vice-president) of the council shall take the chair at the appointed hour for the council to meet whether in regular or special session and call the members to order," The City Council's rules do not specifically address the circumstance when both the President and Vice-President of the Council are absent from the City or unable to perform their duties.

EMERGENCY OPERATIONS PLAN

In September 1996, the City Council approved the *City of Minneapolis Emergency Operations Plan* and amended this plan in November 2001. The plan has been submitted to and approved by the State of Minnesota. Annex B of the adopted Plan provides that the Mayor of Minneapolis is responsible for providing overall direction and control of city government resources in the event of a disaster. The plan further stipulates that the line of succession to the Mayor is: 1) the President of the City Council, 2) the Vice-President of the City Council, 3) the Majority Leader of the City Council.

Upon returning from the FEMA training at Mt. Weather, Virginia, the City Council's Rules Committee discussed whether an amendment to the City Council rules was needed to delineate in greater detail the line of succession to the Mayor in the event that the Mayor is out of the city or unable to discharge the duties of that office. Alternatively, the Rules Committee discussed whether an amendment to the City's Charter would be more appropriate. Ultimately, the subject matter of a charter change was introduced at the June 21, 2002 City Council meeting and referred to the Intergovernmental Relations Committee.

DISCUSSION

The attached proposed charter change adds a new subsection to Charter Chapter 3, Section 2 to address the line of succession issue. Proposed Section 2(b) provides that the line of succession in Minneapolis is the Mayor, the City Council President, the City Council Vice-President, and then as determined by City Council resolution. The proposed subsection requires the City Council to adopt an initial succession plan 90 days after the effective date of the proposed charter change and thereafter, at the first council meeting in January of each year after the municipal election.
